

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE/FEDERAL RELATIONS

Call to Order: By **CHAIRMAN AUBYN A. CURTISS**, on February 2, 1999
at 3:00 P.M., in Room 420 Capitol.

ROLL CALL

Members Present:

Rep. Aubyn A. Curtiss, Chairman (R)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. Jay Stovall, Vice Chairman (R)
Rep. Matt Brainard (R)
Rep. Kim Gillan (D)
Rep. Gary Matthews (D)
Rep. Karl Ohs (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)

Members Excused: Rep. Dan McGee (R)

Members Absent: None.

Staff Present: Gordon Higgins, Legislative Branch
Deb Thompson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 89, HB 173, 1/29/1999
Executive Action: HJR 7, HB 89,

HEARING ON HOUSE BILL 89

Sponsor: Rep. Mary Anne Guggenheim, HD 55, presented the bill,
which dealt with the State Emergency Response Commission. This
refers to an organization that coordinates response to serious
emergencies and is under the Department of Military Affairs. She
explained the proposed changes.

Proponents: Jim Greene, representing the Disaster and Emergency Services Division in the Department of Military Affairs, spoke as a proponent. He said the intent of the bill was to revise the existing law. There is a need to have interested people serve on the Commission who have an interest in the hazardous materials issue in the state. The appointments would be delegated to the Department of Military Affairs from the Governor's Office. He described the need for the Commission and appointment makeup.
EXHIBIT (sfh26a01) {Tape : 1; Side : A; Approx. Time Counter : 4.9-7.8}

Paul Spangler, Lewis and Clark County Disaster and Emergency Services Coordinator and the Chairman of the local Emergency Planning Committee, representing the Disaster and Emergency Services Association, spoke in support of the bill. He encouraged the department directors to appoint people since they knew more directly who could best represent their agency.
EXHIBIT (sfh26a02) {Tape : 1; Side : A; Approx. Time Counter : 7.9-9.2}

Jack Peters, representing the Department of Natural Resources in the Fire and Aviation Program, said the department did support these changes.

Opponents: None.

Questions from Committee Members and Responses: Rep. Brainard asked why the Governor was taken out of the appointment process. Mr. Greene replied it sped up the process.

Closing by Sponsor: Rep. Guggenheim closed. She pointed out the changes made the process more efficient.

HEARING ON HOUSE BILL 173

Sponsor: Rep. Roger Sommerville, HD 78, presented the bill that would allow interstate agreements for emergency mutual aid. It would allow an opportunity for the Governor to share humanitarian assistance resources at the expense of the using state. **{Tape : 1; Side : A; Approx. Time Counter : 12.8 - 16.7}**

Proponents: Jim Greene, Administrator of the Disaster and Emergency Services Division of the Department of Military Affairs, spoke in support of HB 173. He said this compact would facilitate emergency planning, exercises, response and recovery and would provide an effective tool. The Governor has more control and options with this in place. He stressed the need for

preparation and cited examples in Central American and Columbia as to what could happen without preparation. **EXHIBIT(sfh26a03)**

Paul Spangler, Lewis and Clark County Disaster and Emergency Services Coordinator, spoke in support of the bill. He pointed out the good sense of having mutual aid available to help out. **EXHIBIT(sfh26a04) {Tape : 1; Side : A; Approx. Time Counter : 21.5}**

Jane Jelinsky, representing the Montana Association of Counties, spoke in support of the bill. She described disasters and the need for assistance from other states.

Jack Peters, representing the Department of Natural Resources in the Fire Program, spoke in favor of the bill. He pointed out the bill would enhance some of the operations in the department. Using the National Guard over the boundaries into other states would be quite helpful. He said it was very expensive to bring in the military and it would make sense to use National Guard resources in fire fighting. **{Tape : 1; Side : A; Approx. Time Counter : 23.8 - 25.1}**

Mike McCabe, Chief of Staff of the Montana Army Guard, and on behalf of the Adjutant General Pendergast, spoke as a proponent. The bill is a basis of understanding between states for cooperation and assistance in the event of a disaster. This is a response mechanism. He cited examples of why the bill was important. **{Tape : 1; Side : A; Approx. Time Counter : 25.1}**

Opponents: None.

Questions from Committee Members and Responses: Rep. Soft asked about compensation and the issue of liability regarding injuries or death. Mr. Greene answered that when Montana sends someone to another state they are covered by Workman's Compensation paid for by the using state. **{Tape : 1; Side : A; Approx. Time Counter : 28.9}**

Major James P. Morand, attorney for the Department of Military Affairs, referred to section 6 of HB 173, where the responders in a state while providing assistance are considered agents of that state, if there was negligence or something happened.

Rep. Juneau asked about emergencies that arise in the national parks. Mr. Greene replied the national parks had exclusive jurisdiction within their boundaries. They do have mutual aid agreements with some state agencies and surrounding counties. This bill would not apply. The National Park Service has access

to all the federal resources. **{Tape : 1; Side : A; Approx. Time Counter : 31.7}**

Rep. Ohs asked what other states were doing this. Mr. Greene described existing compacts where the language was 25 years old. He said there were memorandums of understanding with three Canadian provinces. There are 24 states plus Puerto Rico who have signed on to the national compact. **{Tape : 1; Side : A; Approx. Time Counter : 31.7 - 34.2}**

Rep. Brainard asked about the reference in the bill to enemy attack. Mr. Greene responded the purpose was to cover all hazards. If there were an enemy attack from a foreign country a lot of federal laws would apply. It specifically precludes national guard from crossing the border to do law enforcement work. **{Tape : 1; Side : A; Approx. Time Counter : 34.5-36.7}**

Rep. Brainard asked about the reference to the temporary suspension of any statutes. Mr. Greene said if there were existing laws that allow that it could become a part of this if the Governor so deemed. Rep. Brainard asked if this empowered emergency services to delegate state personnel from health and human services, for example, to another state. Mr. Greene replied if the Governor and the agency agreed it could. He described the North Dakota floods that had employees from Health and Human Services that helped.

Rep. Brainard asked if this was an attempt to backfill FEMA. Mr. Greene said this was a better choice of resources since it was faster than FEMA. The resources are considered for reimbursement. Rep. Brainard asked if the situation was a national emergency would it nationalize state employees. Mr. Greene replied FEMA could not federalize civilian resources.

Rep. Curtiss asked for examples of resources in North or South Dakota that couldn't be obtained in Washington or Idaho, states we already have an agreement with. Mr. Greene said he did not know of unique resources, however, if the problem was in Glendive it would make more sense to find the closest resources because it is much cheaper.

Closing by Sponsor: Rep. Sommerville closed. He said the program helps the state respond to future emergencies.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 7

Rep. Curtiss **MOVED DO PASS.** She read an exerpt from Rep. Don Young, the sponsor of the American Land Sovereignty Protection

Act. She read "it was designed to restore Congress' constitutional role in making the rules and regulations governing lands belonging to the United States. Two designations of international status by the United Nations currently take place with no need of Congressional approval, UNESCO Biosphere Reserves and World Heritage Sites. U.N. bureaucrats have the final say on executive branch nominations and no public hearings in the U.S. are required. Men and women from third world countries decide what goes on in American's backyard when their elected officials have nothing to say about it. A biosphere reserve is a federally zoned and coordinated region consisting of three areas of zones that meet certain minimum requirements established by the United Nations. The U.S. now has 47 biosphere reserves which contain a total area larger than the state of Colorado. The U.S. part of the biosphere reserve program is run by a committee of 10 federal agencies with no Congressional direction or authorization. The designations have no local approval or local control whatsoever. Over 68% of our national parks, preserves and monuments are designed to be U.N. world heritage sites, biosphere reserve or both." She said the resolution would encourage action regarding Congressional authority. **EXHIBIT(sfh26a05), EXHIBIT(sfh26a06)**
{Tape : 1; Side : A; Approx. Time Counter : 55.3-57.8}

Rep. Williams said she was concerned about remarks that Congress did not have control over the agencies. Agencies are required to submit their budgets and are funded by Congress. Rep. Curtiss said this was true but the only handle Congress had on the agencies was through the appropriation process. A lot of those contingencies are written into the appropriations bill and they have not been successful in cutting the funding for that. The public land decisions have already been made and are not put out to a vote to Congress. She said there is a difference between the World Heritage Sites and the Biosphere Reserves. The World Heritage treaty was ratified by the U.S. Senate in 1972. However, what is going on with the delegation and nomination of these sites is being accepted without Congressional approval. The biosphere reserve designations are being implemented by various administrative agencies in the current administration, and they do not have Congressional approval. **{Tape : 1; Side : A; Approx. Time Counter : 55.3 - 63}**

{Tape : 1; Side : B}

Rep. Brainard pointed out the handouts regarding the Wildlands Project managed by the biosphere program. The issue is with the corridors and the buffer zones. The Wildlands Project is based on the science of conservation biology which was created by the International Union for Conservation of Nature, IUCN. The IUCN is an accredited U.N. advisor and is comprised of government agencies and non-government organizations including the EPA, U.S.

Forest Service, U.S. National Park Service, U.S. Fish and Wildlife Service, Sierra Club National Wildlife Foundation, Natural Resources Defense Council, Nature Conservancy, etc. He said it was fairly obvious that policy determinations are being made outside Congress influence. He referred to the back of the handout which affects the state of Montana and our economy in the future regarding the millions of acres needed for large carnivores and the need for the corridor to close all roads permanently. He pointed out this affected much of Western Montana and Idaho that are in the study area, which should be contained within the wilderness, but has branched out into the regular forest reserve that we normally use as a resource base. The resource base is being shut down. The area affected is one of the primary economic factors in the Missoula area, plus other areas. He read "According to the Wildlands Project, 'One half of the land areas of the 48 states (will) be encompassed in core reserves and inner corridor zones within the next few decades.'" He said that doesn't speak very well to our economy in the state. **{Tape : 1; Side : B; Approx. Time Counter : 1.7-3.6}**

The question was called on HJ 7. The motion **PASSED** 6-4.

EXECUTIVE ACTION ON HOUSE BILL 89

Rep. Soft **MOVED DO PASS**. Rep. Williams asked why the Governor's appointment decision was being replaced by the department's choices. Rep. Brainard commented that it should not be a burden on the Governor to replace members. He felt the choices were too internalized for the departments. He presented an amendment to strike "department" and insert "governor". The question was called. The motion **PASSED** 8-2.

Rep. Soft **MOVED DO PASS AS AMENDED**. Rep. McGee asked why the members went from 20-19. Mr. Greene replied the Department of Administration member was not active.

The question was called. The motion **PASSED** unanimously.

EXECUTIVE ACTION ON HOUSE BILL 173

Rep. Williams **MOVED DO PASS**. Rep. Brainard had a question on the drafting and how it was included in the code. Gordon Higgins replied page 7, section 4 said it would be codified in Chapter 10. Members did not have the updated version.

Rep. Williams withdrew her motion.

ADJOURNMENT

Adjournment: 4:24 P.M.

REP. AUBYN A. CURTISS, Chairman

DEB THOMPSON, Secretary

AC/DT

EXHIBIT (sfh26aad)